

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES, :
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-v- :
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ALEX STROMAN, :
:
Defendant. :
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/14/2024

1:23-cr-7-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

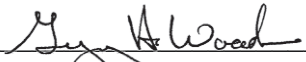
The defendant's sentencing submissions were filed on the docket of this case on April 11, 2024. Dkt. No. 92. The publicly filed sentencing submission does not contain the exhibits to the submission. Counsel for the defendant is ordered to file the exhibits no later than April 16, 2024.

In their sentencing submissions, the parties dispute whether the Government has proven the factual predicate for the pre-sentence report's recommendation that the Court apply a five-level enhancement pursuant to U.S.S.G. § 2B3.1(b)(2)(c)(C). This appears to be a factual dispute that the Court must resolve. As a result, the Court wishes to establish a process for the parties to present the facts required for the Court to rule on the disputed issue. The Court does not accept the Government's unsworn sentencing submission as a substitute for the presentation of a factual record to support the Government's position. A ruling on the basis of the Government's submission alone would also not allow the defendant the opportunity to contest any facts presented to the Court by the Government or to present contrary evidence. The parties are directed to submit a joint letter with their respective proposals regarding how the Court should resolve the disputed issue no later than April 16, 2024.

As a result of the pending factual dispute, the Court anticipates that the focus of the scheduled April 18, 2024 proceeding will be the development of a process to resolve that dispute.

SO ORDERED.

Dated: April 14, 2024
New York, New York



GREGORY H. WOODS
United States District Judge